



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/566,905	08/31/2006	Keiichi Yokoyama	NY-KIT 406-US	4557

7590 02/10/2009
C Andrew Im
Fulbright & Jaworski
666 Fifth Avenue
New York, NY 10103

EXAMINER

BHAT, NINA NMN

ART UNIT	PAPER NUMBER
----------	--------------

1797

MAIL DATE	DELIVERY MODE
-----------	---------------

02/10/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/566,905	Applicant(s) YOKOYAMA ET AL.	
	Examiner N. Bhat	Art Unit 1797	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 February 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>5-3-2006</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Kanai, US Patent 6,379,629.

Kanai '629 teach a carbonizing furnace which includes a drying device for a target material, storage tank for the target material; conveying means for conveying the target material from one unit to the other and a feeding means for feeding the target material to a carbonizing furnace. Specifically the carbonizing apparatus 1 as shown in Figures 1 and 3, includes a carbonizing vessel (2), a drying vessel (3) and combustion furnace (4) which is constructed in a cylindrical vertical shape and heats the targeted material or carbonizing object under oxygen free conditions or a lean oxygen condition. The carbonizing vessel includes an outer jacketed (5) which includes an exhaust gas supply portion 5A into which an exhaust gas (100) is supplied as a heating medium. An exhaust gas discharge portion 5B is also included. The exhaust gas discharging portion 5B is communicated with an exhaust gas blower (40) via a pipe passing the exhaust gas there through in order to discharge the exhaust gas (10) into the ambient air. The carbonizing vessel (2) includes a rotary vane (8) disposed within the carbonizing vessel, the rotary vane (8) is rigidly secured to a rotary shaft (7). Two rotary vanes (8) are mounted on the rotary shaft in an axially and vertically spaced relationship. The rotary vanes include a plurality of vane blades (9). To introduce the target material into the furnace and from various other elements are included conveying means which includes means such as screws 2A and 2B. The

Art Unit: 1797

carbonized object flows out of the carbonizing vessel into a carbide hopper (30). [Note Column 3, lines 38 to Column 4, line 42] Kanai'629 teach that the object to be carbonized is first dried in the drying vessel (3), the dried target material is then supplied to the carbonizing vessel, the organic gas (13) separated from the solid component during the carbonizing process is then subsequently treated and introduced into a combustion furnace (4) which is used in the dryer and carbonizing process. It is maintained that applicant's carbonizing system and process of using the carbonizing process is anticipated by the teachings of Kanai'629.

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Muramatsu et al. teach a smokeless porous carbon production method and system. Milsap, III teach an apparatus for retorting organic matter. Shishido et al. teach an apparatus and method for resource recovery from organic substances. Fung teach a process for carbonizing wood residues and proceeding activated carbon. Nakata et al. teach a carbonizing furnace for making a large amount of carbides. Yoshida et al. teach an apparatus for carbonizing and activating fiber materials. Rotter teaches a process and apparatus for carbonizing a comminuted solid carbonizable material.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to N. Bhat whose telephone number is 571-272-1397. The examiner can normally be reached on Monday-Friday, 9:30AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Caldarola can be reached on 571-272-1444. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1797

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/N. Bhat/
Primary Examiner, Art Unit 1797